

PTO/SB/81 (09-03)

Approved for use through 11/30/2005. OMB 0651-0035  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	10/733,553
Filing Date	12/11/2003
First Named Inventor	Wai Lam et al.
Title	System and Method for Replicating, etc.
Art Unit	2186
Examiner Name	TBA
Attorney Docket Number	34826-1014

I hereby appoint:

☒ Practitioners associated with the Customer Number:

000041881

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

<input checked="" type="checkbox"/> Firm or Individual Name	Brandon N. Sklar, Esq.		
Address	Kaye Scholer LLP		
Address	425 Park Avenue		
City	New York	State	NY
Country	US	Zip	10022-3598
Telephone	(212) 836-8653	Fax	(212) 836-8689

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98)**SIGNATURE of Applicant or Assignee of Record**

Name	Seth R. Horowitz Vice President and Corporate Counsel, FalconStor Software, Inc.		
Signature			
Date	12/30/04	Telephone	631-962-1122

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Pat. Docket No.: 34826-1014

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PTO/SB/95 (08-03)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: FalconStor Software, Inc.

Application No./Patent No.: 10/733,553 Filed/Issue Date: December 11, 2003

Entitled: SYSTEM AND METHOD FOR REPLICATING DATA

FalconStor Software, Inc., a Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 015181, Frame 0860, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.  
(NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

12/30/04  
Date  
631-962-1122  
Telephone number

Seth R. Horowitz  
Typed or printed name  
[Signature]  
Signature  
Vice President and Corporate Counsel  
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

SEPTEMBER 27, 2004

PTAS



\*102717477A\*

ROBERT GREENFIELD, ESQ.  
425 PARK AVENUE  
NEW YORK, NY 10022-3598

**UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/16/2004

REEL/FRAME: 015181/0860  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
LAM, WAI T.

DOC DATE: 02/28/2004

ASSIGNOR:  
LI, XIAOWEI

DOC DATE: 02/28/2004

ASSIGNEE:  
FALCONSTOR INC.  
125 BAYLIS ROAD  
MELVILLE, NEW YORK 11747

SERIAL NUMBER: 10733553

FILING DATE: 12/11/2003

PATENT NUMBER:

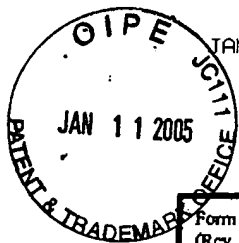
ISSUE DATE:

TITLE: SYSTEM AND METHOD FOR REPLICATING DATA

015181/0860 PAGE 2

MARY BENTON, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS





04-08-2004

Atty. Docket No.: 34826-1014

Form PTO-1595  
(Rev. 10/02)

OMB No. 0651-0027 (exp. 6/30/2005)

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102717477

U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Wai T. Lam  
Xiaowei Li

## 2. Name and address of receiving party(ies)

Name: FalconStor, Inc.

Internal Address: \_\_\_\_\_

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Street Address: 125 Baylis Road

City: Melville State: NY Zip: 11747

Execution Date: February 28, 2004

Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s) 10733,553

B. Patent No.(s) \_\_\_\_\_

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Robert Greenfeld, Esq.

Internal Address: \_\_\_\_\_

## 6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

- ☐ Enclosed  
☒ Authorized to be charged to deposit account

## 8. Deposit account number:

50-0988

(Attach duplicate copy of this page if paying by deposit account)

Street Address: 425 Park Avenue

City: New York State: NY Zip: 10022-3598

DO NOT USE THIS SPACE

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Robert Greenfeld, Reg. No. 41,802

Name of Person Signing

Signature

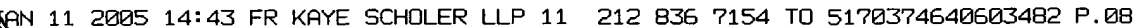
March 16, 2004

Date

Total number of pages including cover sheet, attachments, and documents: 3

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Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231



**Docket Number (Optional)**

34826-1014

Whereas, I/We, Wai T. Lam of Jericho, New York  
Xiaowei Li of Hauppauge, New York  
 \_\_\_\_\_ of \_\_\_\_\_

hereafter referred to as "Applicant(s)," have invented certain new and useful improvements in SYSTEM AND METHOD FOR REPLICATING DATA

☒ for which an application for a United States Patent was filed on December 11, 2003 and having the Application Number 10/733,553, and

☐ for which an application for a United States Patent was executed on \_\_\_\_\_, and

Whereas, FalconStor Software, Inc. a Delaware Corporation hereafter referred to as "Assignee," whose mailing address is 2 Huntington Quadrangle, Melville, New York 11747, is desirous of acquiring the entire right, title, and interest in the same;

Now, therefore, in consideration of the sum of ONE Dollar(s) (\$1.00), the receipt whereof is hereby acknowledged, and other good and valuable consideration, I/We, the Applicant(s), by these presents do sell, assign, and transfer unto said Assignee the full and exclusive right to the said invention in the United States and throughout the entire world and the entire right, title, and interest in and to any and all Patents which may be granted therefor. I/We hereby authorize and request the Commissioner of Patent and Trademarks to issue said United States Patent to said Assignee, of the entire right, title and interest in and to the same, for his sole use and behoof, and for the use and behoof of his legal representatives, to the full end of the term for which said Patent may be granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.

Executed this 20<sup>th</sup> day of February, 2004 at McLellan NJ

State of New York )  
County of Suffolk ) ss:

**Signature**

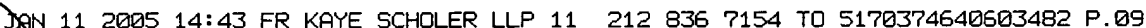
Wai T. Lam

Printed Name/Registration No. (if applicable)

Before me personally appeared said Wei Lim and acknowledged the foregoing instrument to be his free act and deed this 26th day of February, 2004 at Bellevue NJ.

SETH R. HOROWITZ  
Notary Public of New York  
No. 02H05011290  
Qualified in Nassau County  
Commission Expires April 19, 2007  
Seal

(Notary Public)



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